

CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 03/30/04

AGENDA ITEM 2

WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: City Clerk

SUBJECT: Adoption of an Ordinance Amending the Municipal Code Relating to the Retention and Disposal of Personal Property

RECOMMENDATION:

It is recommended that the City Council adopt the attached Ordinance.

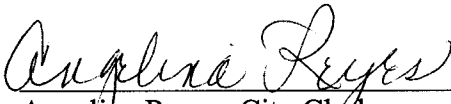
BACKGROUND:

The ordinance was introduced at the March 23, 2004, meeting of the City Council with the following vote:

AYES:	Council Members:	Jimenez, Hilson, Rodriquez, Ward, Dowling, Henson
	Mayor:	Cooper
NOES:	Council Members:	None
ABSENT:	Council Members:	None
ABSTAIN:	Council Members:	None

The ordinance was published in the Hayward Daily Review on March 27, 2004. Adoption at this time is therefore appropriate.

Prepared by:


Angelina Reyes, City Clerk

Approved by:


Jesús Armas, City Manager

Draft Ordinance

PUBLIC NOTICE OF AN INTRODUCTION OF AN ORDINANCE BY THE CITY
COUNCIL OF THE CITY OF HAYWARD

AN ORDINANCE AMENDING SECTIONS 2-5.20 AND 2-5.21 OF CHAPTER 2 ARTICLE 5
RELATING TO THE RETENTION AND DISPOSAL OF PERSONAL PROPERTY

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Sections 2-5.20 and 2-5.21 of Chapter 2, Article 5 of the Hayward Municipal Code is hereby amended to read in full as follows:

“SEC. 2-5.20 UNCLAIMED PERSONAL PROPERTY IN HANDS OF POLICE DEPARTMENT

All unclaimed personal property in the possession of the Police Department including, but not limited to, unclaimed bicycles shall be stored in a safe place by the Police Chief for at least ninety (90) days. The Police Chief shall restore such property to its legal owner, upon proof of such ownership satisfactory to him and upon the payment of all reasonable necessary costs in the care and protection thereof, unless such property is held by the police as evidence in a pending case, in which case it shall be disposed of only upon order of the proper court.

SEC. 2-5.21 UNCLAIMED PERSONAL PROPERTY NOTICE OF SALE OR TRANSFER At any time after the expiration of said ninety (90) day period for the retention of bicycles, and the expiration of said ninety (90) day period for the retention of all other personal property, the Police Chief may publish once in a newspaper of general circulation in the City of Hayward:

- (a) a notice of his intention to sell at a public auction at the time therein specified, certain unclaimed personal property; or
- (b) a notice of his intention to transfer to the Purchasing Agent of the City at the time therein specified, certain unclaimed personal property for disposal or sale by said Purchasing Agent.”

Section 3. Severance. Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Section 4. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective 30 days from and after the date of its adoption.

Introduced at a regular meeting of the Hayward City Council held March 23, 2004, the above-entitled ordinance was introduced by Council Member Hilson.

This ordinance will be considered for adoption at the next meeting of the Hayward City Council, to be held on March 30, at 8:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. The full text of this ordinance is available for examination by the public in the Office of the City Clerk.

DATED: March 27, 2004

Angelina Reyes, City Clerk
City of Hayward